

## **Exhibit B**

ONE RODNEY SQUARE  
BOX 636  
WILMINGTON, DELAWARE 19899-0636  
\_\_\_\_\_  
(302) 651-3000

DIRECT DIAL  
(302) 651-3035  
EMAIL ADDRESS  
RHORVATH@PROBONOLAW.COM

July 7, 2006

**BY E-MAIL AND FIRST-CLASS MAIL**

Jason P. Gosselin, Esq.  
Drinker Biddle & Reath LLP  
One Logan Square  
18th & Cherry Streets  
Philadelphia, PA 19103

RE: Dobrich, et al., v. Indian River School District, et al., D.  
Del. No. 05-120

Dear Mr. Gosselin:

On June 27, 2006, the Indian River School Board (the "School Board") adopted a Procedure for Audio Tapes (the "Procedure") (see attached). The Procedure provides that the Indian River School District (the "District") may destroy audio tapes of a School Board meeting once the minutes for that meeting have been approved. In follow-up to Plaintiffs' March 10, 2005 letter (see attached), the District, the School Board, the District Superintendent, the District Assistant Superintendent and the School Board members (collectively, "Defendants") have a duty to preserve evidence relevant to the above captioned litigation. As such, Defendants may not implement the Procedure while this litigation is ongoing.

Defendants must preserve all evidence – including audio tapes – related to the District's prayer policies or practices so as not to prejudice our client's interests. Defendants' obligation extends to all evidence currently in their possession and not just evidence produced on or after June 2004. Failure of Defendants to preserve all evidence could result in sanctions, including a default judgment against Defendants, in this litigation.

Jason P. Gosselin, Esq.  
July 7, 2006  
Page 2

If you disagree that Defendants have this obligation, please let us know as soon as possible so that we may seek relief from the Court.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard S. Horvath, Jr.", written in a cursive style.

Richard S. Horvath, Jr.

Attachments

**BDDG**

### **Procedure for Audio Tapes**

The purpose of audio tapes is to assist the Board of Education secretary in creating the minutes of Board meetings. Therefore, (60) calendar days after the Board of Education has approved such minutes, the audio tapes may be destroyed.

**Adopted 6/27/06**

ONE RODNEY SQUARE  
BOX 636  
WILMINGTON, DELAWARE 19899-0636  
(302) 651-3000

March 10, 2005

**VIA FACSIMILE AND FIRST CLASS MAIL**

Nathan W. Kellum, Esq.  
P.O. Box 11159  
Memphis, Tennessee 38111

**Re: Dobrich, et al., v. Walls, et al., D. Del. No. 05 - 120**

Dear Mr. Kellum:

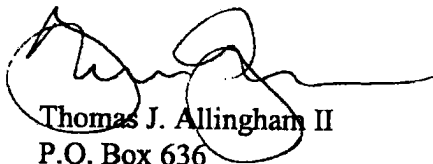
As you are aware, we have recently filed a lawsuit against the Indian River School District (the "District"), the Indian River School Board, Superintendent Lois M. Hobbs, Assistant Superintendent Earl J. Savage, and the Indian River School Board members in their official and personal capacities (collectively, the "Defendants"), over the District's religious practices (the "Litigation"). This letter is to remind you, and the Defendants, of your duty to preserve evidence relevant to pending or reasonably foreseeable litigation. This duty to preserve prohibits the destruction, significant alteration or the failure to preserve evidence relevant to the Litigation. Failure of the Defendants to fulfill their duties could result in sanctions, including a default judgment against the Defendants, in the Litigation.

All evidence related to the District's prayer policies must be preserved so as not to prejudice our clients' interests. Relevant evidence would include (without limitation) not only written documents, such as letters, reports and memoranda, but also electronic data, such as e-mail, computer hard drives or computer backups, that relate to the District's religious practices. As some of the Defendants have indicated in their statements to the press that they have seen litigation as a possibility since at

Nathan W. Kellum, Esq.  
March 10, 2005  
Page 2

least August 4, 2004, we hope that the Defendants have preserved all relevant evidence.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas J. Allingham II", is written over a circular stamp or seal.

Thomas J. Allingham II  
P.O. Box 636  
Wilmington, Delaware 19899  
Tel: (302) 651-3070  
Fax: (302) 651-3001

cc: James D. Griffin, Esq.  
Superintendent Lois M. Hobbs  
Assistant Superintendent Earl J. Savage  
Indian River School Board Members